

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
TEMPEL ZONE CHANGE REQUEST
ZONING MAP AMENDMENT REPORT #FZC-10-04
JULY 28, 2010**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request by Ben and Lorraine Tempel for a zoning map amendment in the Highway 93 North Zoning District. The proposed amendment would change the zoning on the subject property from SAG-10 Suburban Agricultural to SAG-5 Suburban Agricultural.

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on August 11, 2010 in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. In accordance with Montana law, the Commissioners will also hold a public hearing on the proposed zoning map amendment at a date and time yet to be determined. Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office, Earl Bennett Building, 1035 First Avenue West, in Kalispell. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendment will also be available for public inspection in the Flathead County Clerk and Records Office, 800 South Main Street, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed amendment is not within the jurisdiction of any local land use advisory committee or local land use council.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed amendment on August 11, 2010 at 6:00 PM in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

C. Commission

The Flathead County Commissioners will hold a public hearing on the proposed amendment on a date to be determined. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Ben and Lorraine Tempel
150 Schrade Road
Kalispell, MT 59901

ii. Technical Assistance

None

B. Subject Property Location and Legal Description

The single property requesting the zoning map amendment is located on the north side of Schrade Road, roughly 600 feet east of the intersection of Schrade Road with U.S. Highway 93 (see Figure 1 below). Generally speaking, the property is located between U.S. Highway 93 and Whitefish Stage Road approximately six miles north of the intersection of U.S. Highway 93 and U.S. Highway 2 in Kalispell and five miles south of the intersection of U.S. Highway 93 and Montana Highway 40 in Whitefish (see Figure 2 below). The property can be legally described as Tract 1 of Certificate of Survey 7877, aka Assessor Tract 6B in Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Aerial view of subject property highlighted in yellow.

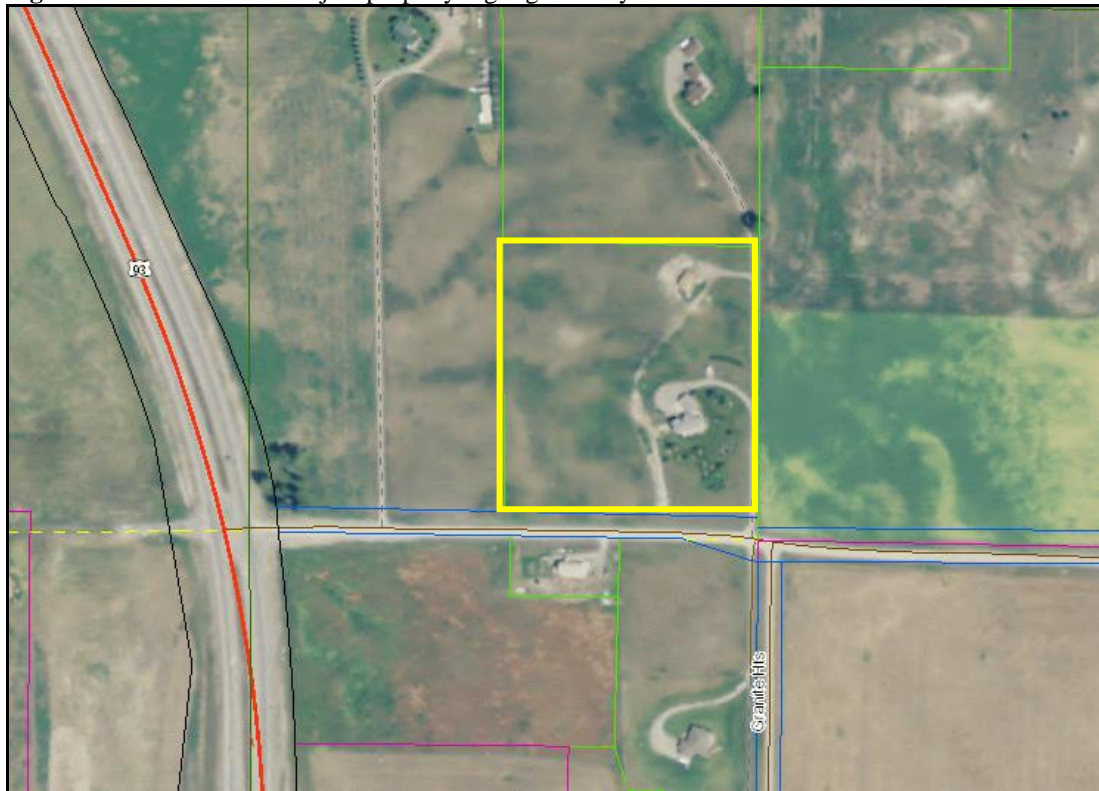
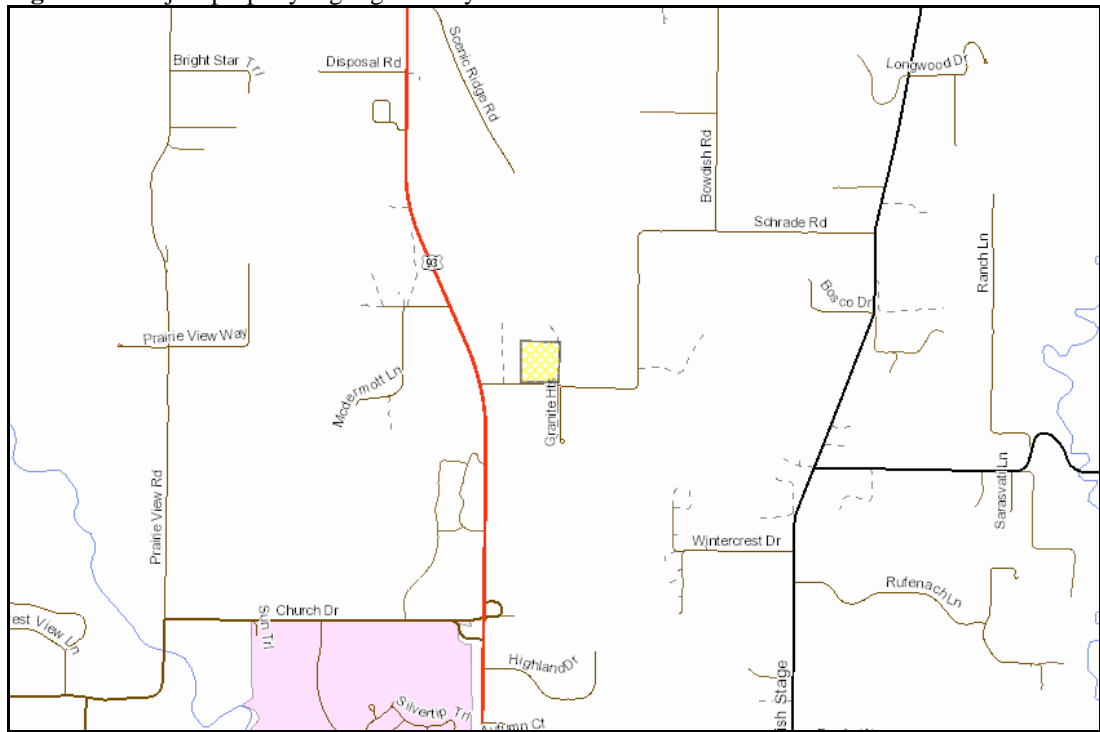


Figure 2: Subject property highlighted in yellow.



C. Proposed Zoning Map Amendment

The subject property is located in the Highway 93 North Zoning District and is currently zoned SAG-10 Suburban Agricultural (see Figure 3 below), defined as “A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.” The proposed zoning map amendment would change the zoning use designation on the property to SAG-5 Suburban Agricultural (see Figure 4 below), defined as “A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development.”

Figure 3: Current area zoning with subject property highlighted in yellow.

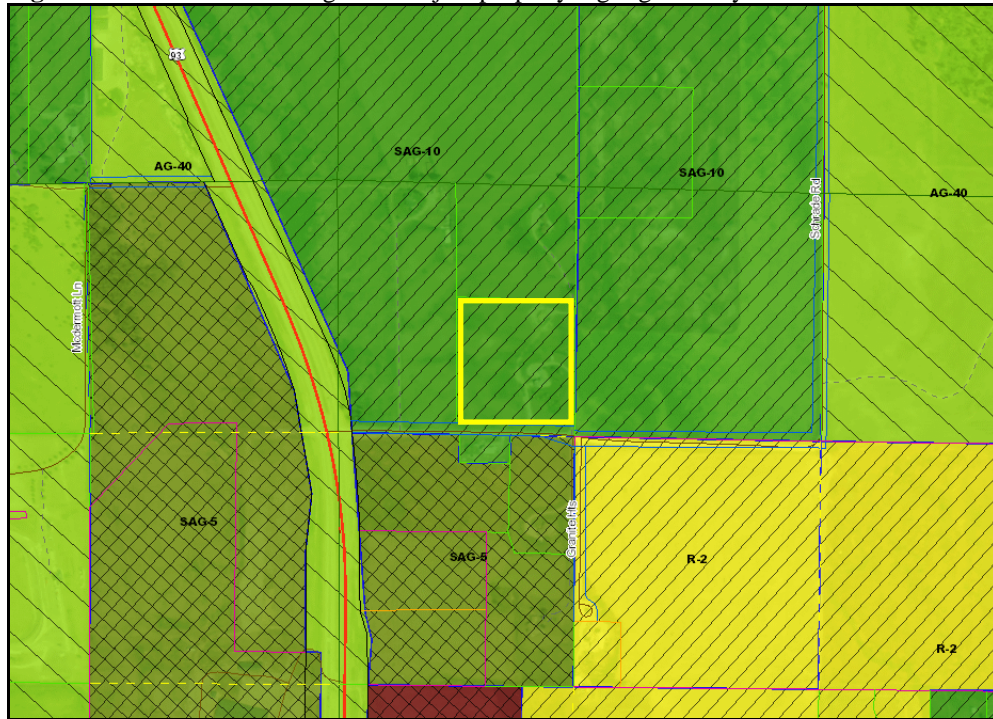
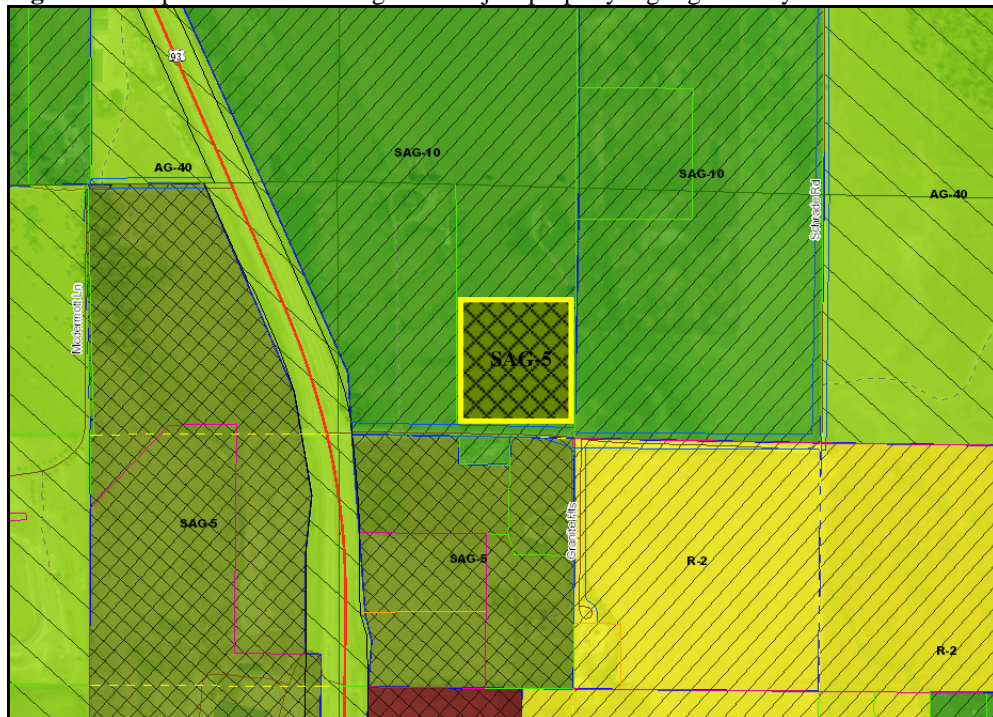


Figure 4: Proposed SAG-5 zoning with subject property highlighted in yellow.



D. General Character of and Reason for Amendment

The applicant has applied for a zoning map amendment from SAG-10 Suburban Agricultural with a 10 acre minimum lot size to SAG-5 Suburban Agricultural with a 5 acre minimum lot size. The 10 acre subject property is developed with two existing

single family residences occupied by owners of the property. The applicants would like the ability to separate the two residences by dividing the subject property in the future. The zone change from SAG-10 to SAG-5 would allow the applicant to divide the property as planned in conformance with zoning.

E. Adjacent Zoning and Character of the Overall Zoning District

The general physical character of the subject property and surrounding area is gently sloping/rolling non-forested open land used for agricultural and large lot single family residential uses (refer to Figures 1&3 above).

Located in the Highway 93 North Zoning District. The subject property is adjacent to SAG-10 Suburban Agricultural zoning in all directions, SAG-5 Suburban Agricultural zoning to the south, and R-2 One Family Limited Residential to the southeast. Beyond a distance of ¼ mile from the subject property other area zoning includes AG-40 Agricultural located to the east of Schrade Road and B-2 General Business located to the south on the east side of U.S. Highway 93.

When an application appears to have the potential for spot zoning, the “three part test” established by legal precedent in the case of *Little v. Board of County Commissioners* is reviewed specific to the requested map amendment. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a brief review of the three-part test in relation to this application.

1. The zoning allows a use that differs significantly from the prevailing use in the area.

The intent of the SAG-10 zoning is to “provide and preserve agricultural functions” while also providing a buffer between urban and unlimited agricultural uses, and the intent of the SAG-5 zoning is to “provide and preserve smaller agricultural functions” while also providing a buffer between urban and unlimited agricultural uses. The intent of each district’s definition is almost identical with the exception that SAG-5 zoning aims to support preservation of smaller agricultural functions, and the permitted and conditional uses attributed to each district do not differ significantly. Allowing the subject property to change to SAG-5 would not allow uses on the property that differ significantly from the prevailing uses allowed under the existing SAG-10 zoning. Additionally, the subject property is directly adjacent to properties currently zoned SAG-5, and allowed uses of the proposed zone change would not differ from the prevailing uses allowed under the existing adjacent SAG-5 zoning.

2. The zoning applies to a small area or benefits a small number of separate landowners.

The zoning map amendment would apply to 10 acres and would only benefit owners of one property.

3. *The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.*

While the zoning map amendment would apply to and benefit owners of one property, this benefit is not likely to occur at the expense of the surrounding landowners because of the similarity in zoning designations. The applicant is not requesting a wholesale change in use (from agricultural to residential, commercial, or industrial, for example); the requested map amendment would primarily alter the bulk and dimensional requirements as applied to the subject property.

In summary, the proposed zoning map amendment is not likely considered spot zoning because it meets only one out of three criteria. All three criteria must be met for the application to potentially be considered spot zoning.

F. Public Services and Facilities

Sewer:	Existing individual septic system(s)
Water:	Existing individual well(s)
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy (if available)
Telephone:	CenturyTel
Schools:	Kalispell School District (K-8), Flathead High School (9-12)
Fire:	West Valley Fire District
Police:	Flathead County Sheriff's Office

G. Criteria Used for Evaluation of Proposed Amendment

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

H. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on July 21, 2010. Legal notice of the Planning Board public hearing on this application will be published in the July 25, 2010 edition of the Daily Interlake.

Following the Planning Board hearing on August 11, 2010, notice of the Flathead County Commissioners' public hearing of the requested zoning map amendment will be physically posted on the subject properties and within the zoning district according to statutory requirements found in Section 76-2-205 M.C.A.]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the date, time and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

I. Agency Referrals

Referrals were sent to the following agencies on June 22, 2010:

- Flathead County Public Works/Flathead County Road Department
 - Reason: Subject property accesses a public County road.
- Montana Department of Transportation (MDT)
 - Reason: Access to the subject property is Schrade Road via U.S. Highway 93, controlled by MDT.
- Flathead City-County Health Department; Environmental Health Services
 - Reason: Subject property uses a private individual well and septic systems which may require review by the Environmental Health Department should any additional development occur as a result of the proposed zone change.
- West Valley Fire District
 - Reason: Subject property is located within the department's jurisdiction.
- Marcia Sheffels, Superintendent of Schools
 - Reason: Subject property is located within a school district jurisdiction.
- Flathead County Sheriff's Department
 - Reason: Subject property is located within the department's jurisdiction.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Road and Bridge Department
 - Comment: The requested zone change is acceptable.
- Flathead City-County Health Department; Environmental Health Services
 - Comment: This office has no concern to the proposed zone change.

IV. EVALUATION OF PROPOSED AMENDMENT

A. Build Out Analysis

Once a specific zoning designation is applied in a certain area, landowners have certain land uses that are allowed "by-right." A build-out analysis is performed to examine the maximum potential impacts of full build-out of those "by-right" uses. It is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not "best-case" or "worst case" scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to

neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zone change to the future of the community to allow for the best possible review.

Current Zoning

As previously stated, the existing SAG-10 Suburban Agricultural zoning is defined as a use district *“A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development. an agricultural environment, including but not limited to residential development”* (Section 3.07.010 FCZR). The following uses are permitted in an SAG-10 zone:

1. Agricultural/horticultural/silvicultural uses.
2. Cellular towers.
3. Class A and Class B manufactured homes (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care homes.
7. Dwellings, single-family.
8. Guest houses.
9. Home occupations (See Chapter V – Performance Standards and Chapter VII – Definitions).
10. Homeowners parks and beaches.
11. Nurseries, landscaping materials.
12. Parks and publicly owned recreational facilities.
13. Produce stands.
14. Public transportation shelter stations.
15. Public utility service installations.
16. Ranch employee housing.
17. Stables, riding academies, rodeo arenas.

The following uses are listed as conditional uses in an SAG-10 zone; an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camps and retreat centers (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker’s facility.*
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. Community center buildings operated by a non-profit agency.
10. Community residential facilities.**

11. Contractor's storage yards (See Chapter IV – Conditional Use Standards).*
12. Dwellings, family hardship.*
13. Electrical distribution stations.
14. Extractive industries.
15. Golf courses.
16. Golf driving ranges.
17. Kennels, commercial (See Chapter IV – Conditional Use Standards).*
18. Manufactured home parks.
19. Recreational facilities, low-impact.
20. Schools, primary and secondary.
21. Temporary buildings or structures.*
22. Water and sewage treatment plants.
23. Water storage facilities.

Minimum lot size in a SAG-10 zone is 10 acres, and the subject property is comprised of one 10 acre tract of land. Under the existing zoning the subject property couldn't be further subdivided and therefore the existing development represents the maximum build-out scenario possible for the subject property. Existing traffic counts are estimated at 10 vehicle trips per day per household, for a total of 20 vehicles trips per day for the subject property requesting the map amendment.

The bulk and dimensional standards require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures; setbacks for accessory structures differ slightly, requiring 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures (exempting agricultural buildings), and the permitted lot coverage is 20%.

Proposed Zoning

The proposed zoning map amendment would change the zoning on the subject property from SAG-10 Suburban Agricultural to SAG-5 Suburban Agricultural, defined as *“A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate type residential development.”* (Section 3.08.010 FCZR). The following is a list of permitted uses in a SAG-5 zone:

1. Agricultural/horticultural/silvicultural uses.
2. Class A and Class B manufactured homes (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care homes.
5. Dwellings, single-family.
6. Guest houses.
7. Home occupations (See Chapter V- Performance Standards and Chapter VII –

Definitions).

8. Homeowners parks and beaches.
9. Nurseries, landscaping materials.
10. Parks and publicly owned recreational facilities.
11. Produce stands.
12. Public transportation shelter stations.
13. Public utility service installations.

The following uses are listed as conditional uses in a SAG-5 zone; an asterisk designates conditional uses that may be reviewed administratively:

1. Airfields.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cellular towers.*
8. Cemeteries, mausoleums, columbariums, crematoriums.
9. Churches and other places of worship.
10. Community center buildings operated by a non-profit agency.
11. Community residential facilities.**
12. Contractor's storage yards (See Chapter IV – Conditional Use Standards).*
13. Dwellings, family hardship.*
14. Electrical distribution stations.
15. Extractive industries.
16. Golf courses.
17. Golf driving ranges.
18. Kennels, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home parks.
20. Recreational facilities, high-impact.
21. Recreational facilities, low-impact.
22. Recreational vehicle parks.
23. Schools, primary and secondary.
24. Stables, riding academies, and rodeo arenas.
25. Temporary buildings or structures.*
26. Water and sewage treatment plants.
27. Water storage facilities.

Minimum lot size in a SAG-5 zone is 5 acres and the subject property is comprised of one 10 acre tract of land. Under the proposed zoning the subject property could potentially be divided to create two individual 5-acre lots, with each lot presumably containing one of the two existing residences currently established on the subject property. As the existing residences represent the maximum build-out scenario possible for the subject property under the proposed SAG-5 zoning, estimated traffic

trips associated with the proposed zone change are not anticipated to exceed that which currently exists.

Almost identical to the current existing SAG-10 zoning, the bulk and dimensional standards under SAG-5 zoning require minimum setbacks of 20 feet from the front, side, rear and side-corner property boundaries for all principal structures; setbacks for accessory structures differ slightly, requiring 20 foot setbacks from front and side-corner property boundaries and 5 foot setbacks from side and rear property boundaries. Additional setbacks of 20 feet are required from streams, rivers and unprotected lakes that do not serve as property boundaries, and from county roads classified as collector or major/minor arterials. The maximum allowable building height is 35 feet for all structures (exempting agricultural buildings), and the permitted lot coverage is 25% for residential uses.

In summary:

- The zone change request would not increase residential density on the subject property through potential future division because the property is already developed with two individual and separate single family residences which represents the anticipated maximum build-out for the subject property under the proposed SAG-5 zoning;
- The map amendment would not introduce uses to the subject properties or general area that significantly differ from uses that are allowed under the existing zoning on and adjacent to the subject property;
- The map amendment would not alter the bulk and dimensional requirements for the property; and
- Impacts resulting from this hypothetical maximum build-out analysis are minimal and acceptable given the character and intent of the proposed SAG-5 relative to the character and intent of the current SAG-10 zoning.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

i. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (by Resolution #2015 A). The Flathead County Growth Policy Designated Land Uses Map identifies the subject properties as “Suburban Agricultural” based on the zoning in place at the time the map was created. If the requested zoning is adopted on the subject property existing agricultural use of the property would be able to continue and residential density is not anticipated to increase because the property is already developed to the anticipated maximum build-out. As the name implies, the proposed SAG-5 Suburban Agricultural zoning on the subject property would comply with the land use designation, supported by the fact that the proposal is in accordance with *Goals 3, 4, and 8 of Chapter 2: Land Uses* in regard to preserving the integrity of

agricultural lands, protecting the right to farm and harvest, and safe and healthy residential land use density.

Finding #1 - The proposed zoning map amendment complies with the Flathead County Growth Policy, adopted on March 19, 2007 because it is supported by various goals, policies and text regarding suburban agricultural land use, and is compliant with the Growth Policy Designated Land Uses Map.

ii. Whether the proposed map amendment is designed to:

1. Secure safety from fire and other dangers;

The subject property has existing driveway access onto Schrade Road, a gravel County road exceeding 24-feet in width and occurring within a 60-foot public access easement. The property is served by the West Valley Fire District, and the main District fire station is located approximately 4 miles south of the property along U.S. Highway 93. If the map amendment was approved and the property was subsequently divided into two 5-acre tracts, each tract would have adequate all-season access onto Schrade Road via a well constructed relatively flat driveway occurring within an established 60-foot wide easement. Although solicited, no comment was received from the fire district, presumably indicating the district has no concerns regarding the ability to serve the subject property.

Finding #2- The proposed map amendment would secure safety from fire and other dangers because the subject property has direct access to a gravel public road apparently built to County standards and able to accommodate emergency vehicles safely and efficiently, and because the property is located within the jurisdiction of the West Valley Fire District for fire and medical emergency services.

2. Promote public health, public safety, and general welfare;

The subject property has direct access onto a gravel public road, is within a fire district providing fire and emergency medical services, and is served by an existing permitted individual well and septic systems. Currently developed with two single family residences on 10 acres, the property is already developed to the anticipated build-out potential which may result from the proposed zoning map amendment to SAG-5, and there would be no increase in fire hazard because no additional structures or change in land use are anticipated. In the event the amendment is approved and a future division occurs, the two 5-acre lots created would continue to be served by the public road, fire district, and existing and/or new well and septic systems, to be reviewed and permitted as applicable at that time. In the case of a subsequent division of the property, Road and Bridge Department review of the approach accessing onto Schrade Road would be required to be reviewed, further ensuring public health and safety.

Finding #3 - A zoning map amendment on the subject property from SAG-10 to SAG-5 would not adversely impact public health, safety and general

welfare because future allowable development could be adequately served by individual well and septic systems, the location is served by the West Valley Fire District, and the approach onto Schrade Road would require compliance with applicable Road & Bridge Department standards in the event of future division of the property.

3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The subject properties have direct access onto Schrade Road, a gravel county road that accommodates existing traffic and can accommodate a minimal increase in vehicle traffic that may result from the proposed map amendment. Existing residences on the property currently use a shared individual well and septic systems, and comment received from the Environmental Health Department indicates no concern regarding the proposed zone change, noting no awareness of environmental constraints that would preclude additional development on the site. The property is located within the Kalispell School District, and bus service is provided to residents along Schrade Road. No comment was received by the superintendent of schools that would indicate the school district would be unable to accommodate future growth and development in this area, should it result from the proposed map amendment. While there are a handful of County parks accessible to residents in the area, the zoning map amendment from SAG-10 to SAG-5 maintains a fairly large minimum lot size for the benefit of residents. Additionally, there are many recreational opportunities available within a reasonable distance of the subject property, including opportunities for hiking, paddling, skiing, conventional team sports, etc.

Finding #4 - The proposed zoning map amendment facilitates the adequate provision of transportation, water, sewer, schools and parks by providing for direct access onto public roads, utilizing private individual well and septic facilities, being located within and served by the Kalispell Public School District, and having access to local and state parks and recreation opportunities in the area.

iii. In evaluating the proposed map amendment, consideration shall be given to:

1. The reasonable provision of adequate light and air;

While adoption of the proposed zoning map amendment would create the potential to divide the subject property into two 5-acre tracts, no increase in development density on the subject property is anticipated as two single family residences are already established on the property and SAG-5 zoning allows for only one single family residence per tract of record. Current development complies with applicable bulk, dimensional requirements of the proposed SAG-5 zoning, and creation of any additional lots through future division would require compliance with the bulk and dimensional, permitted lot coverage and minimum lot size requirements of the proposed SAG-5 district. With the exception of minimum lot size, minimum lot width, and permitted lot coverage, the bulk and dimensional requirements for SAG-5

zoning are identical to those of the existing SAG-10 zoning. These minimum standards would ensure there is adequate light and air available to the subject properties and surrounding area.

Finding #5 - The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because the property is already developed with two single family residences, representing maximum development density of SAG-5 zoning if the property were divided into two 5-acre tracts, and future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of SAG-5 zoning which are similar to the bulk, dimensional and lot coverage requirements under the current SAG-10 zoning.

2. The effect on motorized and non-motorized transportation systems;

The subject property requesting the zoning map amendment has an existing driveway approach onto Schrade Road, a gravel county roadway that had 174 daily vehicle trips between the subject property and U.S. highway 93 when last monitored by the Road and Bridge Department in October of 2007. The gravel driveway is developed within a 60-foot wide easement and is currently shared by the two single-family residences on the property as well as the neighboring residence located on the adjacent property to the north. There is good sight distance in each direction for vehicles approaching onto Schrade Road from the driveway, and comment submitted by the Road and Bridge Department indicates no concern regarding the proposal's potential impact on the public road. There are currently no bicycle or pedestrian trail facilities located along Schrade Road or in the general area, on which the zoning map amendment would have an immediate impact.

Finding #6 - The effects of the proposed map amendment on the motorized and non-motorized transportation systems will be minimal because the existing driveway approach onto Schrade Road has adequate sight distance to promote continued driver safety, adoption of the SAG-5 zoning will not result in additional vehicle trips onto Schrade Road as the 10-acre subject property is already developed with two residences with no additional residences anticipated, and because there are no non-motorized transportation systems in the immediate area.

3. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

This criterion is not directly applicable to the zoning map amendment request because the proposal is located well outside the 'urban' areas associated with the incorporated towns of Kalispell, Whitefish, and Columbia Falls. The nearest municipality is the 'Silverbook' area annexed by the City of Kalispell, and the proposed zoning map amendment has no apparent relation to the urban growth area of this municipality. The proposal is in an area of the County that is considered suburban, not urban, in character. The proposed zoning map amendment to SAG-5 zoning would not result in urban densities but would provide a buffer between urban and unlimited agricultural uses by

promoting smaller agricultural functions amidst estate-type residential development. Although relatively modest in size for agricultural uses, lot sizes allowable under SAG-5 zoning are relatively large in the context of residential development and enable productive small-scale agricultural uses, such as hay production.

Finding #7- The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is suburban in nature and is located in an area appropriate for suburban development, being outside the area of influence of the City of Kalispell.

4. The character of the district(s) and its peculiar suitability for particular uses;

The proposed zoning map amendment would not change the zoning use on the subject property from suburban agricultural. The proposed SAG-5 zoning use district would have no impact on the character of the district because areas adjacent to the site generally have similar character and equivalent permitted uses with current SAG-10 and SAG-5 zoning designations. As the property is currently developed in compliance with the permitted uses and bulk and dimensional requirements allowable under the proposed SAG-5 zoning, the proposed SAG-5 zoning use district appears suitable for the subject property.

Finding #8 – The proposed zoning map amendment would be suitable for the subject property because the permitted uses and general characteristics of the proposed suburban agricultural zoning designation are very similar to the existing suburban agricultural zoning currently implemented in the surrounding area, and the character of the district would not change in response to development afforded by the requested zoning map amendment.

5. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The subject property is currently developed with two single-family residences and the remainder of the property is used for hay production. The zoning map amendment would allow the separation of the two residences, conserving the value of the homes as well as the property on which they reside. This separation would also result in a situation that is similar to the surrounding properties, which typically permit one single-family home per tract of record. As previously discussed, the zoning map amendment would not result in a change in land use that drastically differs from what currently exists. The character of the general area is a mix of agricultural, suburban agricultural and residential uses. As the existing and proposed zoning are both suburban agricultural, the proposed zoning map amendment would continue to encourage the most appropriate use of land throughout the district.

Finding #9 - The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing the separation of existing residential uses on smaller

lots while allowing suburban agricultural uses to continue in a jurisdiction where such land uses are prevalent.

iv. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The nearest municipality (1+ mile distant from the subject property) is the City of Kalispell, which is a separate jurisdiction from the County and governed by a separate set of zoning regulations. There are no agricultural or suburban agricultural use designations provided for in the City's zoning regulations, therefore the issue of compatibility between the County regulations and zoning ordinances of nearby municipalities is not directly applicable to the requested zoning map amendment.

Finding #10 - The issue of compatibility between the County zoning regulations and the zoning ordinances of nearby municipalities is not directly applicable to this zoning map amendment because the subject property is located more than one mile from an area under the jurisdiction of the nearest municipality, and there are no agricultural or suburban agricultural zoning designations in the zoning ordinance of the nearest municipality with which a comparative assessment for compatibility may be made.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment complies with the Flathead County Growth Policy, adopted on March 19, 2007 because it is supported by various goals, policies and text regarding suburban agricultural land use, and is compliant with the Growth Policy Designated Land Uses Map.
2. The proposed map amendment would secure safety from fire and other dangers because the subject property has direct access to a gravel public road apparently built to County standards and able to accommodate emergency vehicles safely and efficiently, and because the property is located within the jurisdiction of the West Valley Fire District for fire and medical emergency services.
3. A zoning map amendment on the subject property from SAG-10 to SAG-5 would not adversely impact public health, safety and general welfare because future allowable development could be adequately served by individual well and septic systems, the location is served by the West Valley Fire District, and the approach onto Schrade Road would require compliance with applicable Road & Bridge Department standards in the event of future division of the property.
4. The proposed zoning map amendment facilitates the adequate provision of transportation, water, sewer, schools and parks by providing for direct access onto public roads, utilizing private individual well and septic facilities, being located within and served by the Kalispell Public School District, and having access to local and state parks and recreation opportunities in the area.
5. The proposed zoning map amendment would provide adequate light and air to the subject properties and surrounding area because the property is already developed

with two single family residences, representing maximum development density of SAG-5 zoning if the property were divided into two 5-acre tracts, and future development would be required to meet the bulk, dimensional and permitted lot coverage requirements of SAG-5 zoning which are similar to the bulk, dimensional and lot coverage requirements under the current SAG-10 zoning.

6. The effects of the proposed map amendment on the motorized and non-motorized transportation systems will be minimal because the existing driveway approach onto Schrade Road has adequate sight distance to promote continued driver safety, adoption of the SAG-5 zoning will not result in additional vehicle trips onto Schrade Road as the 10-acre subject property is already developed with two residences with no additional residences anticipated, and because there are no non-motorized transportation systems in the immediate area.
7. The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is suburban in nature and is located in an area appropriate for suburban development, being outside the area of influence of the City of Kalispell.
8. The proposed zoning map amendment would be suitable for the subject property because the permitted uses and general characteristics of the proposed suburban agricultural zoning designation are very similar to the existing suburban agricultural zoning currently implemented in the surrounding area, and the character of the district would not change in response to development afforded by the requested zoning map amendment.
9. The zoning map amendment would conserve the value of buildings and encourage the appropriate use of land throughout the jurisdiction by allowing the separation of existing residential uses on smaller lots while allowing suburban agricultural uses to continue in a jurisdiction where such land uses are prevalent.
10. The issue of compatibility between the County zoning regulations and the zoning ordinances of nearby municipalities is not directly applicable to this zoning map amendment because the subject property is located more than one mile from an area under the jurisdiction of the nearest municipality, and there are no agricultural or suburban agricultural zoning designations in the zoning ordinance of the nearest municipality with which a comparative assessment for compatibility may be made.

VI. RECOMMENDATION

Based on the review of the statutory criteria used to evaluate zoning map amendments, staff recommends the Flathead County Planning Board adopt staff report FZC-10-04 as Findings of Fact and forward a recommendation of approval to the County Commissioners for a zoning map amendment on the 10-acre subject property in the Highway 93 North Zoning District, from SAG-10 Suburban Agricultural to SAG-5 Suburban Agricultural.